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APPROVED 2.14.11

CHARLES J. LARSCHEID

PORT AND SOLID WASTE DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Monday, December 13, 2010 at 11:30am., at the Port & Solid Waste Office, 2561 S. Broadway, Ashwaubenon. The meeting was officially called to order by President McKloskey.

1. Roll Call:

Present: President Neil McKloskey
Commissioner Bernie Erickson (*left at 12:55pm*)
Commissioner Bill Martens
Commissioner John Hanitz
Commissioner Hank Wallace

Excused: Commissioner Tom Klimek
Commissioner Craig Dickman

Also Present: Charles Larscheid, Brown County Port & Solid Waste
Dean Haen, Brown County Port & Solid Waste
Mark Walter, Brown County Port & Solid Waste

2. Approval/Modification – Meeting Agenda

A motion to approve the agenda was made by Hank Wallace and seconded by Bernie Erickson.
Unanimously approved.

3. Approval/Modification – November 15, 2010 Meeting Minutes

A motion to approve the November 15, 2010 meeting minutes was made by Bernie Erickson and seconded by Bill Martens. Unanimously approved.

4. Cat Island Chain Restoration Project

a. WDOT Harbor Assistance Grant Agreement – Request for Approval

Based on the Harbor Commission's concern last month on whether after Governor-Elect Walker gets in office he might cancel all unencumbered money which may affect the Port's Harbor Assistance Grant for \$7.1M, staff expedited the approval process of the Wisconsin Department of Transportation's grant agreement for Cat Island. Once an agreement is signed with the State, it locks Brown County into a specific scope of work. Brown County will provide stone to the USACE to build the islands. Brown County will contract with area quarries to provide stone of different qualities and grades. The language in the agreement is standard and similar to past grant agreements executed by the Harbor Commission. Staff referred the Commission to Section 2.1 Scope of Work for Brown County and Section 2.4 Budget. The State is providing \$7.1M with a county match at 20% (\$7.4M). Brown County has \$800,000 coming from NRDA money and the remainder is from Harbor Fee dredging dollars and incoming contributions from Brown County. The Commission questioned the language of Section 2.3(d) page 6. Staff explained that Brown County is responsible for 20% of the project no matter what. **A motion to approve the WDOT Harbor Assistance Grant Agreement was made by John Hanitz and seconded by Neil McKloskey.** Unanimously approved.

b. Easement & Storage Area Real Estate – Update

Staff reiterated that no easements are necessary through Brown County Conservation Alliance or the WDNR. Land owned by Brown County Parks will only require an interoffice memorandum and should not be a problem. A storage area will need to be secured for trucks and materials which will be on the upland area. Residents on Lineville are concerned trucks carrying stone could be an issue for years. The GLRI grant will be completed in one season (bringing in gravel for access road). The USACE project for construction could be 2 to 5 years dependant on funding which includes Brown County providing stone.

c. Water Quality Certification – Update

A complete and issued 401 Water Quality Certification from the WDNR to Brown County has been received. Brown County had concerns with how this was originally proposed. The WDNR addressed the concerns of Brown County and the USACE and these concerns are reflected in the enclosed permit. The permit requires the creation of a management team consisting of representation from the USACE, Brown County, WDNR, and others (Biohabit, Sea Grant, Fish & Wildlife).

d. 100% Plans & Specifications – Update

Copies of the Renard Island plans are in the agenda packet. The plans are 100% complete from the USACE. The plans do include a change in orientation of the roadways and include armoring of the access road wave barrier. Comments can be made through the end of this week. Staff did not include the specifications (100+ pages) but this information was reviewed and accepted by staff.

e. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) was received from USACE LTC Derosier regarding the Dredge Material Management Plan (DMMP) for the Cat Island project. This finding was based upon public input. The DMMP is the USACE 20-year plan for managing dredge material. The FONSI allows the USACE to advance their DMMP to headquarters. The USACE is working diligently to make this project work in a short amount of time. A copy of the letter of intent from Executive Hinz guaranteeing financing was handed out. The last step is the Project Cooperative Agreement which is a contract between Brown County and the USACE. Brown County Corporation Counsel is currently reviewing the agreement.

5. Closure of Renard Island

a. Project Update

A copy of the Press Gazette article on Renard Island was in the agenda packet and reviewed by staff. Congressman Kagen is calling for a halt to the construction; however, this is probably a moot point since the causeway should be done by the December 24, 2010.

b. Monitoring Wells - Abandonment & Costs

Staff met with the successful bidder, Peter's Construction and consulting engineer Foth a few weeks ago and it was determined abandoning some of the monitoring wells on the island as well as extending some of the wells above the surface is needed. Foth provided a cost estimate for modification to the amount of material Peters can move. A handout was distributed on the revised bid summary and cost estimates for the monitoring wells. Foth will also put benchmarks on the island. Highway has begun the preliminary work at BayPort to allow access to Cell #2.

c. USACE Causeway Construction – Update

The causeway should be done by year-end. Upon completion of the causeway Peters will then be able to use the causeway to access the island. There is an approval of the bid for Peters on Wednesday at County Board.

d. Quality Assurance Plan – Update

The Quality Assurance Plan (QAP) is part of the approval process. The QAP lays out the types of quality assurance processes put in place by Brown County as well as the contractor to ensure the work done is done to specification. Brown County modified the QAP to include well abandonment and has submitted to the USACE for their review. On page 8, paragraph 4 the Commission asked the cost of replacing the drainage piping at BayPort. The GLRI grant will pay for the replacement of the piping and this was included in the bid from Peters.

6. BayPort Dredge Material Rehandling Facility Expansion – Request For Approval

With Harbor Commission approval Robert E. Lee was hired to do preliminary design of expanding BayPort (\$8000). A demonstration project in Cell 7 could increase capacity from 2.5M cy to 7M cy. However, filling the facility to this capacity is difficult when the facility is used for dewatering as well. Additional land was obtained from the City of Green Bay to have disposal or dewatering on that property. There could be two active dewatering cells on the adjacent property and dewatered sediment will be transported to the BayPort property. No objections to do this were received from the WDNR. Two proposals from Robert E. Lee to provide the engineering services necessary to get BayPort approved were presented to the Commission. Included in the services is a design phase and reporting phase for a total cost of \$19,600. A construction phase was also included but staff indicated they do not foresee using Robert E. Lee in that capacity. A proposal for optional services to conduct a survey, ensuring setbacks on the property are accurate, for \$5000 was recommended but not necessary. Staff recommended approving both proposals in the amount of \$24,600. Discussion ensued.

A motion to adopt was made by Hank Wallace and seconded by Bernie Erickson. Unanimously approved.

7. ENCAP Beneficial Reuse Project, Paul Lemens (did not attend) – Update

Brown County entered into an agreement last summer with ENCAP. Last month a non-disclosure agreement was approved for ENCAP to begin their efforts. Their plans are to reuse dredge material and potentially create a marketable product line by spring 2011. A quarterly update has been requested from ENCAP and has been included in the agenda packet. Another update will be brought to the Commission in March 2011. Staff offered leasing land at BayPort to ENCAP for bagging the product. **A motion was made by Bernie Erickson and seconded by Neil McKloskey to review and place on file.**

8. 2011 Public Relations Plan – Request for Approval

The P&SW budget for public relations in 2011 is \$35,000. A plan on how to utilize this money has been to put \$20,000 into public relations with Leonard & Finco (this is an increase of \$5000 over 2010). The remaining \$15,000 will be used for marketing and media purchases. Included in the packet is an outline of the proposed plan for 2011. One of the items discussed was sponsoring weather forecasts (40-week shipping season 8 times per day on TAQ talk radio news and WNFL sports to target specific demographics). Midwest Communications who owns these stations felt Fox WLUK11 would sponsor a daily weather broadcast sponsored by the Port focusing mainly on wind-related weather. Another idea was to have the Port sponsor contests between innings at some of the 35 games played by the Green Bay Bullfrogs. Discussion on return investment ensued. A display of the Port of Green Bay at the Neville Museum was suggested. President McKloskey indicated he did not agree with the Leonard & Finco's proposal on Renard Island to seek support from officials, a briefing, etc., as he felt this should not be pursued at this stage. The intermodal study being done by UWGB should be complete by March 2011 at which time it will be brought to the Commission. Promoting the Port of Green Bay in the Valley was suggested again. Use of the shipping trunk was discussed. Sending an informational brochure to businesses in the Fox Valley was recommended by the Commission. Discussion ensued on various ideas to bring visibility to the Port. Staff discussed the status on the new signage at the Port & Solid Waste office which will create an identity for the Port separate from Solid Waste and Hazardous Waste with the Port's share of the expense approximately \$1000. The Commission recommended holding off on the Bullfrogs idea and to focus more on weather forecasts, the signage, and keeping public relations out of Renard Island. **A motion to approve the 2011 Public Relations Plan with removal of the money designated for the Bullfrogs was made by Neil McKloskey and seconded by Hank Wallace.** Unanimously approved.

9. Audit of Bills – Request for Approval

A motion to approve the bills was made by Bill Martens and seconded by Bernie Erickson. Unanimously approved.

10. Tonnage Report

Tonnage is down 9% as of November month end. Staff believes this will recover in December as 200,000 tons of salt is still expected to be delivered in December. Total tonnage for 2010 should be comparative to tonnage for 2009.

11. Director's Report

- A special PD&T meeting on Wednesday at 6:20pm at City Council Chambers for WDOT Harbor Assistance Program Agreement
- Michael, Best & Friedrich provided an opinion, based on judicial precedence, that the State always retains ownership of a lakebed in public trust. Brown County Corporation Counsel is looking into the legalities regarding ownership of the actual structure.

12. Such Other Matters as are Authorized by Law

There were no other matters to discuss.

13. Adjourn

A motion to adjourn was made by John and seconded by Bill Martens. Unanimously approved.

Neil McKloskey, President
Harbor Commission

Charles Larscheid, Director
Port & Solid Waste Department